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CONSTITUTIONAL RIGHTS, VARIOUS LAWS AND SCHEMES FOR WOMEN EMPOWERMENT IN INDIA

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ABSTRACT

Empower means to help or assist to any person for any work in which he/she is able to do due to the ignorance or not given a chance to do as other person got. In India women is also affected for their empowerment and get many recourse to recover whatever she lost or unable to fulfill in various forms i.e. social, political or economical as the men enjoy. The status of Women Empowerment cannot be visualized with single dimension rather Multi dimensional assessment in terms of various components of women's life and their status would bring a clear conception. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in the favors of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres. This paper highlights constitutional rights of women and various laws and Schemes for the empowerment of women, and different barriers in India for the development of women.

Keywords: Women, Empowerment, Rights, Schemes, Poverty.

INTRODUCTION

Empower means to help or assist to any person for any work in which he/she is able to do due to the ignorance or not given a chance to do as other person got. In India women is also affected for their empowerment and get many recourse to recover whatever she lost or unable to fulfill in various forms i.e. social, political or economical as the men enjoy. According to Gandhi, the three important factors that promote women empowerment are: education, employment and change in social structure. All the three components are equally important and mutually related. Simply development of education of the women would not automatically empower them. The case in point is Kerala. The state has hundred percent (100%) literacy but the women folk are not even today free from exploitation. This is because of the fact that the traditional keralite society is yet to be reformed to provide equal rights to the women in de facto terms.(Barman, 2013). Women's empowerment in India is heavily dependent on many different variables that include geographical location (urban/rural), educational status, social status (caste and class), and age. Policies on women's empowerment exist at the national, state, and local (Panchayat) levels in many sectors, including health, education, economic opportunities, gender-based violence, and political participation. However, there are significant gaps between policy advancements and actual practice at the community level.(Upadhyay, 2012) The United Nations Development Fund for Women (UNDFW) includes the following factors in its definition of women empowerment Acquiring knowledge and understanding of gender relations and the way in which these relations may be changed, and Developing a sense of self-worth, a belief in one's ability to secure desired changes and the right to control one's life.(Rao, 2005)

In the 2018 Women's Empowerment Principles Forum which held on Thursday, 15 March 2018, ECOSOC Chamber, at United Nations Headquarters where the key development notes discussed for empowering women to participate fully in economic life is essential to building stronger economies and improving the quality of life for women, men, families and communities. The private sector has a central and active role to play in promoting gender equality and women's empowerment and support the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development

Goals. In the spirit of the private sector's crucial role in advancing SDG5 (Gender Equality and Women's Empowerment), UN Women, UN Global Compact and UN Office of Partnership are jointly organizing the 2018 Women's Empowerment Principles Forum. Around 600 leaders, experts and advocates from governments, private sector, academia and civil society are expected to attend. The Forum will provide a platform for presenting ongoing, successful business initiatives to advance gender equality in the workplace, marketplace and community, and identify private sector initiatives that could be scaled up and replicated to accelerate the implementation of the Women's Empowerment Principles. Making progress is about how we all choose to do business and how we reflect principles of equality on an everyday level, so that they permeate our cultures, values, performance and business practices. Companies can make gains in productivity, competitiveness and innovation by developing policies and practices to recognize women's rights and improve gender equality at the workplace, marketplace and community (Note, 2018).

UN Women—more than 1046 business leaders around the world have demonstrated leadership on gender equality through these principles (Australia, 2016). The objectives of 2018 Women's Empowerment Principles Forum were to build awareness of business innovations that accelerate women's empowerment and have a real impact on the quality of life for women, men, families and communities, particularly in rural areas. Identify key strategies and actions to transform investments for gender equality and women's empowerment. Drive WEPs commitments, transformative change in the workplace, marketplace and community and promote strategic partnerships between the United Nations, the private sector and other stakeholders for around women's economic empowerment. (Note, 2018)

WOMEN EMPOWERMENT IN INDIA

The status of Women Empowerment cannot be visualized with single dimension rather Multi dimensional assessment in terms of various components of women's life and their status would bring a clear conception. (Shettar, 2015) The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in the favours of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres. From the Fifth Five Year Plan (1974- 78) onwards there has been a marked shift in the approach to women's issues from welfare to development and then from Eighth Five Year Plan emphasis was shifted from development to empowerment. In recent years, the empowerment of women has been recognized as the central issue in determining the status of women. India has also ratified various International conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993. The National Commission for Women was set up by an Act of Parliament in 1990 to safeguard the rights and legal entitlements of women. The Cairo conference in 1994 organized by UN on Population and Development called attention to women's empowerment as a central focus and UNDP developed the Gender Empowerment Measure (GEM) which focuses on the three variables that reflect women's participation in society— political power or decision-making, education and health. 1995 UNDP report was devoted to women's empowerment and it declared that if human development is not engendered it is endangered. The Government of India declared 2001 as the Year of Women's Empowerment (Swashakti). The National Policy for the Empowerment of Women was passed in 2001. (Rao, 2005)

GANDHI'S VOICE AGAINST THE SOCIAL EVILS

In the view of Gandhi, although he had great respect for the traditions of the country, he also realized that certain customs and traditions of the Indian society were anti- ethical to the spirit of development of the women of the nation. To quote Gandhi, "It is good to swim in the waters of tradition; but to sink in them is suicide". Therefore, he was completely against many social customs, traditions, norms and values and social evils like child- marriage, widowhood, the dowry system, the pardah system and prostitution, the witch- hunting etc which are threats to the development of the society. (Barman, 2013)

As per the United Nations Development Programme's Human Development Report 2013: India

stood at 132nd position out of 187 countries on the gender inequality index.(Upadhyay, 2012) but as per the 2016 Human Development Report, in 2015 it took 131st position in HDI (Human Development index) which come at Medium Human Development, and 125th on Gender Inequality Index out of 188th countries in the world.

Year	Human development Index rank	Gender Inequality Index, Rank.
2015	131	125 out of 188
2013	-	132 out of 187

India's rank on Human development Index and gender inequality index Rank of two year

Women's Empowerment Principles

Establish high-level corporate leadership for gender equality. Treat all women and men fairly at work—respect and support human rights and non-discrimination. Ensure the health, safety and well-being of all women and men workers. Promote education, training and professional development for women. Implement enterprise development, supply chain and marketing practices that empower women. Promote equality through community initiatives and advocacy. Measure and publicly report on progress to achieve gender equality.(Australia, 2016)

Challenges for women empowerment

Education

Literacy rate in India reached 73% as per 2011 census. Female literacy rate (64.6%) is still much lower than the male literacy rate (80.9%). However, the gender gap in literacy rate is gradually decreasing over the years. It has come down from 21.6% in 2001 to 16.3% in 2011. (Ministry of Statistics and Programme Implementation Government of India, 2017). While 82.14% of adult men are educated, only 65.46% of adult women are known to be literate in India The gender bias is in higher education, specialized professional trainings which hit women very hard in employment and attaining top leadership in any field (Shettar, 2015) Women often suffer from the illiteracy rate and drop-out rates from schools. Lack of education and slow for their participation in the development programs. Not enough or good knowledge they have on their rights and social and political empowerment. Illiteracy is also sow in their access and to upgrade capacity building Programme.

Poor access to technologies

In India still women are not aware for technology especially in rural areas and there are still existing inequalities between men and women. And the biggest barriers to the “knowledge gap” exclusion from school, lower literacy rates and less access to the internet and other information and communications technology (ICT) than men.(Communications, 2015)

Gender discrimination in Home and land ownership

Women in India mostly discriminated, if a family have both child (girl & boy) then both are treated differently, boy is free to go outside the home any time without permission but the girl child don't get the same privilege or the head of the family is always a male member. And women cultivators lack access to fertilizers, seeds, membership in cooperatives and unions and men holding to the title of the agriculture land of the household. Social norms and family structure in developing countries like India, manifests and perpetuate the subordinate status of women. One of the norms is the continuing preference for a son over the birth of a girl child which in present in almost all societies and communities. The society is more biased in favor of male child in respect of education, nutrition and other opportunities. The root cause of this type of attitude lies in the belief that male child inherits the clan in India with an exception of Meghalaya.(Shettar, 2015)

Gender Discrimination

Women's disproportionate poverty, low socioeconomic status, gender discrimination and reproductive role not only expose them to various diseases, but also their accesses to and use of health services. Domestic violence, rape, and sexual abuse against women affect their productivity, autonomy, quality of life, and physical and mental well being. A surprising report pointed out that women who lost male partner are often forced into prostitution to lead their life. Men transmit the infectious virus to women

fourfold than women are to men. Women also acquire HIV infection when they receive blood transfusions to combat pregnancy-related anaemia or hemorrhage. Sexual abuse during childhood enhances the mental depression and reproductive tract infections in later life, which could often lead to female infertility. Gender discrimination (son preference) along with high dowry costs for their daughters, marriage, often results in the mistreatment of daughters. Bias in education and formal labor force participation as well as leading the life under the control of their fathers, husbands, and sons could exert a negative impact on the health concerns of Indian women. Though worldwide women have increased life expectancy at birth, the systemic problems associated with Indian women's health chances of a typical female advantage. In India, both men and women have the same life expectancy at birth. Financial support, old age security, property inheritance and dowry all contribute to the preference of sons over daughters. The Indian government has, however taken necessary steps to alleviate the current gender discrimination. Unwanted and illegal pregnancies terminated by unsafe abortions could have negative consequences for women's health. Reducing fertility may often improve the overall health of Indian women. The torture and violence given to women by her husband and mother-in-law could also be a key factor for the negative impact on the health and mental status of the Indian women. Children who born to mothers with low level of education suffer from nutritional disorders twice fold than mothers with higher education ("Health Status of the Indian Women - A Brief Report," 2017)

There are several constraints that check the process of women empowerment in India.

Poverty:

Today in the world, poverty is be considered as a most threaten to peace, and for abolition of poverty there should be a national or international goal to abolish. Due to this, women are exploited as domestic helps. To eradicate or abolish poverty India also adopted Sustainable Development Goal's (SDGs) 1, which says that, "End poverty in all its forms everywhere". The SDG 1 intends to end poverty and deprivation in all its forms from everywhere by implementing development policies based on the three dimensions of development. If we look at the figures for urban areas, the drop in number of people below poverty line has been from 74.5 million to 52.8 million which indicates that nearly 22 million people in urban areas were pushed above poverty line during this period. However, the data for rural areas of India show even far reaching outcomes according to which number of people went down from 328.6 million in 1990s to 216.5 in 2011-12.(Goals, 2013)

Health and Nutritional Status:

The good health is a main principle, which contributes to human wellbeing and economic growth. Adequate nutrition for women would help them to serve as productive members of the society to develop the consequent health generations. In India we found that the health and nutritional status of Indian becoming worse due to the prevailing of cultural and traditional practices. Women are generally vulnerable to poor nutrition, especially during their pregnancy and lactation time. Usually low weight infants are born to mothers with under nutrition and poor health. The incidence of anemia was found to be highest among lactating women followed by pregnant women and adolescent girls. Epidemiological studies pointed out that worldwide 50 percent of all pregnant women are anemic, and at least 120 million women in less developed countries are underweight. Right and proper education to the mothers had a significant influence on their nutritional status and their health. The definitive steps should be taken to educate women about the importance of health care for ensuring health pregnancies and safe childbirths. ("Health Status of the Indian Women - A Brief Report," 2017)

Lack of skills:

Due to the above challenges women involvement is not high or equal as men in public or private sector still there is a long gap between them .The rural women are involved in micro/small enterprises or manufacturing, there is often less involvement of women in opportunities related to construction, trade, transport, storage and services due to the lake of skills.

CONSTITUTIONAL PROVISIONS AND LAWS FOR WOMEN EMPOWERMENT:

The Constitution of India grants equality to women and also empowers the State to adopt positive measures in favour of women in the field of socio economic, education and political. A number of articles of the constitution made provisions for the socio-economic development of women and their participation

in decision making. Fundamental Rights, ensure equality before the law and equal protection of law; and prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment.

Articles 14, - Men and Women have equal rights and opportunities in the spheres of social, political, and economic.

Articles-15, (1) - prohibits discrimination against any citizen on the grounds of religion, race, sex, caste etc.

Article-15 (3), onwards, the constitution starts protective discrimination. Empowers the state to make special provisions for women and children.

Article - 16, Equality of opportunities in matter of public appointments for all citizens.

Article - 39 (d), Equal pay for equal work for both men and women.

Articles-42, says that the state to make provision for ensuring human conditions of work and maternity relief.

Article 51(A) (e) to promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women.

(Article 243 D (3)) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat.

(Article 243 D (4)) Not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women

(Article 243 T (3)) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality

(Article 243 T (4)) Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide . (Wang et al., 2011)

Laws related to women

The government has also enacted specific laws for the safeguard and in the interests of women and for up gradation of their status.

The Hindu marriage Act, 1956- by this act woman get right in their parental property

The dowry Prohibition Act, 1961- Which prohibit dowry and talking it is an unlawful activity and prevents the exploitation.

Equal Remuneration Act, 1976- which provides for payment of remuneration equal with men for work of equal value.

The Criminal Law Amendment Act, 1983- seeks to stop various crimes against women.

The Indecent Representation of Women (Prohibition) Act, 1986. which prohibits vulgar representation of women in the media such as Newspapers, Cinema, and Television etc.

THE NATIONAL COMMISSION FOR WOMEN 1990

The National Commission for Women was set up as statutory body in January 1992 under the National Commission for Women Act, 1990 (Act No. 20 of 1990 of Govt. of India) to review the Constitutional and Legal safeguards for women, recommend remedial legislative measures, facilitate redressed of grievances and advise the Government on all policy matters affecting women. In keeping with its mandate, the Commission initiated various steps to improve the status of women and worked for their economic empowerment during the year under report. The Commission completed its visits to all the States / UTs except Lakshadweep and prepared Gender Profiles to assess the status of women and their empowerment. It received a large number of complaints and acted suo-moto in several cases to provide speedy justice. It took up the issue of child marriage, sponsored legal awareness programmes, Parivarik Mahila Lok

Adalats and reviewed laws such as Dowry Prohibition Act, 1961, PNDT Act 1994, Indian Penal Code 1860 and the National Commission for Women Act, 1990 to make them more stringent and effective. It organized workshops / consultations, constituted expert committees on economic empowerment of women, conducted workshops / seminars for gender awareness and took up publicity campaign against female feticide, violence against women etc. in order to generate awareness in the society against these social evils

The protection of women from domestic violence Act, 2005

By this act the women more effective rights for their protection and guaranteed under the constitution who are victims of violence of any kind occurring within the family.

Sexual harassment of women at workplace act 2013.

This act recognized the sexual harassment of women at workplace as a heinous crime and violation of human rights of women.

Government Schemes for Women Empowerment

The Government programmes for women development began as early as 1954 in India but the actual participation began only in 1974. At present, the Government of India has over 34 schemes for women operated by different department and ministries. Some of these are as follows;

1. **Beti Bachao Beti Padhao Scheme:** Beti Bachao Beti Padhao is a government social scheme launched by the Prime Minister Narendra Modi in order to address the gender imbalance and discrimination against girl child in the Indian society. This scheme was launched by the Prime Minister on 22nd of January in 2015 at Panipat, Haryana on Thursday. This scheme is to aware people about the importance of girls in the society. It is to increase awareness among common people to save the lives of girl child by completely removing the female foeticide. People should celebrate the birth of their girl child and educate them with full responsibility as they do for their boy child.
2. **Women Helpline Scheme:** This scheme is for women those who are being harassed, chain snatching, eve teasing, domestic violence etc.
3. **UJJAWALA:** A Comprehensive Scheme for Prevention of trafficking and Rescue, Rehabilitation and Re-integration of Victims of Trafficking and commercial Sexual Exploitation. which was launched on 4th December 2007.
4. **Working Women Hotel:** A central government scheme introduced in 1973-73 as a Central sector scheme envisages provision of safe and affordable hotel accommodation to working, single working women.
5. **Support to training and Employment Programme for Women (STEP):** The STEP Scheme was launched as a central sector scheme in 1986-87 with the aims to provide skills that give employability to women and to provide competencies and skill that enable women to become self-employed/entrepreneurs. (Ministry of Women & Child Development GOI)
6. **Nari Shakti Puraskar (Women Power Award):** The award is given in six categories by Ministry of Women and Child Development, The award is conferred by the President of India on the occasion International Women Day, 8 March every year at New Delhi. It carries a cash prize of rupees one lakh (Rs. 100,000) and a certificate, In 2017 39 Individuals and Institutions were selected on the occasion of International Women's Day, President Ram Nath Kovind present this award to deserving women in recognition of their service towards society and women's empowerment. (The Times of India, 2018)
7. **Mahila Shakti Kendras (MSK):** Government of India has approved a new scheme namely, Pradhan Mantri Mahila Shakti Kendra (MSK) for 2017-18 upto 2019-20 to empower rural women through community participation and to create an environment in which they realize their full potential.

CONCLUSION

In India having all above the constitutional rights and laws related to women and various schemes for their development women still are being discriminated in India, so beside these laws and rights which women have there is a need for awareness and social campaign through which this evil harassment or discriminated can be stopped and women enjoy equally as men in every aspects of their life. For doing

this we need to eliminate illiteracy, develop self-esteem and self-confidence and to raise the women's awareness of their civil rights, provide skills for income generation, make participation in community/ society more effective, prepare them to be good women leaders. Thus road map for women empowerment is there but still we have miles to go on this path of empowerment. We hope that in coming year's ahead women empowerment will prove its worth. Women are an integral part of a society. They play an important role in determining the destiny of a nation. It has been rightly said by Swami Vivekanand, "The Best thermometer to the progress of nation is its treatment of women". Therefore, due recognition to them in the society and their greater involvement in socio-economic and political affairs becomes all the more important. Every person should come forward to ensure equal status for women in all spheres of life.

REFERENCES

1. Australia. (2016). Gender Equality and Women's Empowerment Strategy. Department of Foreign Affairs and Trade.
2. Barman, P. (2013). Gandhi and His Vision for Women Empowerment. *Ijcaes*, 3(2), 41–43.
3. Communications, P. (2015). How technology issues impact women ' s rights : 10 points on Section J. Association for Progressive Communications (APC), (March).
4. Goals, D. (2013). India and Sustainable Development Goals, (November).
5. Health Status of the Indian Women - A Brief Report. (2017), 5(3), 3–6. <https://doi.org/10.15406/mojph.2017.05.00162>
6. Ministry of Statistics and Programme Implementation Government of India. (2017). Youth in india 2017, 1–86. Retrieved from http://mospi.nic.in/sites/default/files/publication_reports/Youth_in_India-2017.pdf
7. Note, C. (2018). 2018 Women ' s Empowerment Principles Forum, (March), 6–7.
8. Rao, M. K. (2005). Empowerment of women in India, 11. Retrieved from http://books.google.com/books?id=Eb4A0174GTgC&printsec=frontcover&dq=%22empowerment+of+women+in+india%22&source=bl&ots=QzrKZ2XAGo&sig=kvcVvUIvEGcx8oeXurDh6GBliXg&hl=en&ei=k-LKTOqyFs7ysgbN8dynAQ&sa=X&oi=book_result&ct=result&resnum=2&ved=0CBsQ6AEwAQ#v=onep
9. Shettar, R. M. (2015). A Study on Issues and Challenges of Women Empowerment in India. *IOSR Journal of Business and Management* Ver. I, 17(4), 2319–7668. <https://doi.org/10.9790/487X-17411319>
10. Upadhyay, R. (2012). WOMEN'S EMPOWERMENT IN INDIA An Analytical Overview. The Asia Foundation, (1987), 1–14.
11. Wang, H.-B., Li, X.-H., Sun, Z.-F., Mo, J., Wang, J., & He, L. (2011). [Constitution identification and treatment with acupuncture-moxibustion for menopausal women]. *Zhongguo Zhen Jiu = Chinese Acupuncture & Moxibustion*, 31(12), 1131–1133. <https://doi.org/10.2307/824612>